

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	Group Art Unit: 2617
)	
Zsolt Kun-Szabo, et al.)	Examiner: Iqbal, Khawar
)	
Serial No.: 09/838,147)	Atty. Dkt. No. 004770.00778
)	
Filed: April 20, 2001)	Confirmation No.: 9518
)	
For: IMPROVEMENTS IN AND RELATING TO WIRELESS COMMUNICATION DEVICES		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

U.S. Patent and Trademark Office, Mail Stop *AF*
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly. Any necessary extensions of time are hereby requested.

Remarks

Having received and reviewed the Final Office Action dated February 2, 2010, Applicants respectfully submit that the standing rejections are based on one or more clear legal and factual errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

Claims 1-20, 25, 26, and 28-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. pub. no. 2008/0307040 to So ("So"). This rejection is respectfully traversed below.

In order for a section 102 rejection to be proper, a reference must teach every aspect of a claimed invention either explicitly or impliedly and any feature not directly taught must be inherently present – in other words, no question of obviousness is present. MPEP § 706.02(V). For at least the reasons discussed below, the standing section 102 rejections based on So are improper.

Independent claim 1 recites, among other features, “*receiving the requested information at the first mobile terminal* responsive to the request; receiving a selection input from the first mobile terminal indicating *the requested information* to be transmitted to a second mobile terminal.”

The Office Action at page 9 (“Response to Arguments”) contends that So describes a visitor logging onto a merchant’s web site (transmitting request information to an ECRM) and is presented with a navigation page (WML browser) displaying a directory of chat category rooms (receiving requesting information display within an ECRM navigation page). Even assuming (without admitting) that one or more of the navigation page and chat category rooms described in So could have been analogized to the recited requested information, So fails to describe receiving a selection input from a first mobile terminal indicating that the navigation page or chat category rooms are to be transmitted to a second mobile terminal. Accordingly, So fails to anticipate claim 1 for at least the foregoing reasons.

Moreover, claim 1 recites “negotiating a communication connection between the first and the second mobile terminals responsive to the selection input, the negotiating including the first mobile terminal establishing a communication connection with the second mobile terminal; transferring the resource related information to the second mobile terminal over the communication connection.” As discussed at pages 8-9 of Applicants’ Request For Reconsideration filed November 20, 2009, So at paragraphs [0056]-[0072] describes a private chat session wherein a first user logs on to a chatroom server and selects another (second) user to have a private conversation or chat. Thus, the chatroom server in So facilitates the communication between the first and second users. Conversely, claim 1 recites features related to negotiating a communication connection between first and second mobile terminals responsive to a selection input, the negotiating including the first mobile terminal establishing a communication connection with the second mobile terminal and transferring resource related

information to the second mobile terminal over the communication connection. Claim 1 is further distinguishable from So for at least these reasons.

The Office Action at pages 9-10 cites to So at paragraphs [0009] and [00071], wherein So describes that users can chat with one another in private chat sessions (or group chat sessions). The Office appears to reason that based on the private chat sessions, So discloses negotiating a communication connection between first and the second mobile terminals responsive to a selection input, the negotiating including the first mobile terminal establishing a communication connection with the second mobile terminal, and transferring resource related information to the second mobile terminal over the communication connection. However, as discussed above, So uses a chatroom server to facilitate the chat sessions. *See* So at paragraphs [0008]-[0009] and [0046] (providing that ECRM chat server 110 hosts the home page of the merchant and is configured to host intelligent chatting sessions between visitors and employees of the merchant using personal computer 108a to 108n or any type of computer device) and Figure 1. Accordingly, So fails to anticipate claim 1 for at least these additional reasons.

Independent claims 25, 35, and 42 recite features similar to those described above with respect to claim 1. Claims 25, 35, and 42 are distinguishable from So for at least reasons similar to those discussed above with respect to claim 1.

The dependent claims are distinguishable from So for at least the same reasons as their respective base claims. The dependent claims are further distinguishable in view of the unique combinations of features recited therein. For example, claim 10 recites “wherein the connection is made directly between the terminals.” As discussed above, So uses a chatroom server to facilitate the chat sessions. Thus, So fails to disclose a connection is made directly between the terminals as recited in claim 10. Claim 10 is further distinguishable from So for at least these reasons.

Claim 18 recites “wherein the transfer of the WAP deck to the second terminal includes the step of substituting the WAP deck with a pre-existing WAP deck on the second terminal.” The Office Action at page 5 contends that So at paragraphs [0119]-[0124] discloses such features. However, So at paragraphs [0119]-[0124] merely describes that a web server may include WML Decks and may route content to remote wireless devices. There is simply no discussion in So of a receiving wireless device substituting a pre-existing WAP deck with a received WAP deck as recited in claim 18.

Claim 19, which depends from claim 18, further provides deleting the pre-existing WAP deck following the substitution. As So fails to describe substituting a WAP deck with a pre-existing WAP deck, So also fails to disclose deleting the pre-existing WAP deck following the substitution as recited in claim 19.

In short the rejections of record are without basis and fail to meet the requirements/standard of a proper section 102 rejection. While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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